

At An Audit Meeting / Work Session
Of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 1st day of October, 2003

Roll Call: Robert J. Petrillo, Councilman
George A. Woolsey, Councilman
Derek N. Benedict, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

Absent: Wayne C. Booth, Supervisor
James E. Manley, Councilman

1. Pledge of Allegiance to the Flag led by John Smith, Serenity Lane

2. Additional Items For Discussion From Board Members

8. d. Orange County Water Authority MS4 Coalition Grant Application

10. b. Lowes Business Credit Account

3. Approval of Audit

MOTION was made by Councilman Woolsey with the exception of voucher number 4260 in the amount of \$230.00 for the amount of \$497,322.72, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

4. Town Clerk: Formal Presentation of the 2004 Tentative Budget to the Board

Mr. Zarutskie, Town Clerk announced: Mr. Supervisor, as required by Section 106(3) of New York State Law, I am pleased to formally present to the Town Board the Tentative Budget for the Town of Newburgh for the calendar year 2004.

The budget will be kept on file by the Town Clerk's office and is available to the general public for scrutiny in his office.

5. Police:

a. Reservist Active Duty Status

This is a request from Chief Kehoe to subsidize the income our Reservist gets from The Federal government to he would have received if he was working full time.

This has been past practice for the Town Board to approve this. The Officer in question is Stephen Ryther. His salary with the military will be \$3264.00 a month which is \$307.63 a week less then his salary from the Town. This would be in affect from September 30, 2003 until October 18, 2003.

MOTION was made by Councilman Woolsey to approve the salary difference for Office Ryther from September 30, 2003 until October 18, 2003 in the amount of \$307.63 per week, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

b. Appointment of Officer

This is a request from Chief Kehoe to hire an officer to replace the position of Officer Cooper who recently retired. Mr. Shawn McKenna, who lives in the Town of Newburgh, is a certified Police Officer in the City of New York. If appointed Mr. McKenna would start at a Step 2 "Certified Officer" with a salary of \$39,559.00 and a start date of October 18, 2003. He has passed our background investigation.

MOTION was made by Councilman Woolsey to appoint Shawn G. McKenna as a certified Police Officer for the Town of Newburgh with a starting salary of

\$39,559.00 to commence on October 18, 200, seconded by Councilman Petrillo.
VOTE: Mr. Petrillo –aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

6. Zoning Board of Appeals: Resignation

See attached letter.

MOTION was made by Councilman Woolsey to accept the resignation of Richard Harris from the Zoning Board of Appeals, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

Councilman Woolsey made a motion to appoint Dennis Spampinato to the Zoning Board of Appeals, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – nay; Mr. Manley – absent; Mr. Booth – absent. Motion defeated 2-1-2.

7. Apprentice Program: Discussion

Mark Taylor, Attorney for the Town of Newburgh, explained that having a Resolution has more flexibility than making a Local Law. This is a resolution that would implement a policy requiring construction contracts of the town, stipulate that if the amount of the contract is more than \$250,000.00 or sub-contractors must have an apprenticeship program in place. The flexibility is we can look at each individual case and simply adopt a resolution to modify the policy. Local Law would need a public hearing for each case. Supervisor Booth wants to be this on the agenda for Monday.

8. Engineering Department:

a. Anchorage on the Hudson: Entrance Walls and Pillars

Michael Perez from Anchorage on Hudson is here to explain this item. Mr. Perez is looking for approval from the Town to build entry walls on each side of the road. The look they want to express is nautical. A lighthouse will be constructed and lit. The walls would have plantings and will be lit with floodlights. Jim Osborne, Town Engineer, explained that the main reason Mr. Perez is here is because of the shape of this particular parcel. We are not getting a 50' right-away because that would leave him with 30'. They would give us an 80' right-away. One wall is going to be located on private property, which is to the south. Mr. Perez needs to get an easement from that property owner. The other wall will be within the Town's right of way. Both walls are located outside our 50' standard. The pillar with the lighthouse will be located 26' from the centerline of the road, which is outside our standard 50' right of way. Since Mr. Perez gave us the 30' on the side, which is outside our standard 50' right of way. Since Mr. Perez gave us the 30' on the side, Mr. Perez requires permission from the Town Board, in a form of an easement, to construct that wall in the right of way. Darrell Benedict, Highway Superintendent, was asked his thoughts on this and he asked about the lighthouse. The lighthouse is eighteen feet up and the Town couldn't throw snow that high. Mr. Osborne explained that if we granted the easement then the homeowners would have to have some kind of agreement. The Town shouldn't have to maintain an ornamental fixture and we should have an agreement that holds the Town harmless. Mr. Benedict doesn't have a problem with this at all. We need to have Mr. Perez's attorney and Mark meet and come up with the verbage for this easement.

8. b. Tentative Bid Schedule for Town Hall Expansion

We would like to have the apprenticeship program in place before we implement the schedule. George Silverman needs at least two weeks to have the specs and plans made up. He is also requesting to be the one to collect the bid money and to give out the specs and plans. The bidding time should be about three to four weeks. The Town Clerk's office needs to have at least one copy for public viewing. Jim Osborne, Town Engineer, was asked to have the bid schedule for Monday night's meeting.

8. c. Storage Stop Inc.: Determination of Non-Applicability

This is a request from Jim Raab, for a determination of non-applicability regarding the restrictions in place due to the present Sewer Moratorium. This is for an expansion only. No additional plumbing, employees or increased parking will be part of this proposed expansion. Jim Osborne, Town Engineer, explained that when Storage Stop first came in as a business park, they went to FEMA for an approval for what is called a letter of map revision. What they did was change the characteristics of the stream. They went back to FEMA, they identified the changes and flood elevations and FEMA approved it. FEMA said the last thing they needed to do was, when construction was over they had to do an as built survey to show that what was proposed on paper is what is actually in the field. Back in 1999, we drafted a developers agreement and they were suppose to post a security and that the as built survey needed to be done. The developer's agreement was never executed by the Town and it was not executed because the security was never posted. This is the best opportunity for them to sign the agreement and post their security. Richard Drake has the first draft so maybe we can have Mike Donnelly, Planning Board Attorney, who is familiar with this, work on this draft.

8. d. Orange County Water Authority MS4 Coalition Grant Application

Jim Osborne, Town Engineer, explained that Orange County is applying for a grant which would give them money to implement the requirements of the new SPDES permit. One criteria is that there is inter-municipal cooperation. Orange County Water Authority is going to take the elements of the SPDES permit that are County wide, public education program, mapping, etc. The grant they are asking for is \$200,000.00 and would go directly to Orange County Water Authority. With them getting the money we can get them to do work for the Town of Newburgh. This is a time sensitive matter and the letter of intent needs to be signed as soon as possible.

MOTION was made by Councilman Woolsey to approve the submission of the letter of intent for the MS4 Coalition Grant Application and is a Type 2 action under SEQR, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

9. Receiver of Taxes: Request to Hire Part Time Clerk

This is a request from Elizabeth Greene, Receiver of Taxes, to hire a seasonal employee. We will need to defer this until Monday night because all the back up material is not included.

10. a. Accounting: Insurance Capitalization Fee

This is a request from Jackie Calarco, Town Accountant, to approve the pre-paid capitalization fee. The terms of our New York Municipal Insurance Reciprocal Capitalization (NYMIR) is that we pay a fee of \$77,796.43 for our first and second year of the policy. NYMIR has recently allowed prepayment of the second year's fee with a 8% savings on the fee. This will not affect our 2003 budget the payment would be considered prepaid and classified as an asset on the balance sheet rather than an expense. The prepayment amount capitalization fee will be in the amount of \$71,572.71.

MOTION was made by Councilman Woolsey to prepay the Capitalization fee in the amount of \$71,572.71, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

10. b. Lowe's Business Credit Account

Lowe's is offering the Town a credit limit of \$15,000.00. Our account would be ear marked as tax free and no interest or finance charges if payment is made within thirty days.

The Board is very leery about credit cards and would like to know just who has the cards and what they are used for. We will check with Jackie and Wayne before any action is taken.

11. Animal Control: T-93 Account

This is a request from Mary Meyer, Animal Control Officer, to utilize the T-93 account to pay invoices from Flannery Animal Hospital. The bills total \$573.90. There is \$4,601.24 in the account and when these bills are paid there will be a balance of \$4,027.34.

MOTION was made by Councilman Woolsey to utilize the T-93 in the amount of \$573.90 to pay Flannery Animal Hospital, seconded by Councilman Petrillo.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

Adjournment

MOTION was made by Councilman Petrillo to adjourn the Audit / Work Session Meeting of October 1, 2003 at 8:00 P.M., seconded by Councilman Woolsey.

VOTE: Mr. Petrillo – aye; Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – absent; Mr. Booth – absent. Motion passed 3-0-2 absent.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk